

DOCUMENT NO. 5048
ADOPTED 6/9/88

Text Amendment Application No.
Boston Redevelopment Authority
Waterfront Service Subdistrict (W-1)
and Neighborhood Districts

TO THE ZONING COMMISSION OF THE CITY OF BOSTON

In order to create a zoning subdistrict designation for waterfront service uses within the general category of Industrial Districts, and to utilize this subdistrict to replace parts of the Waterfront Industrial (W-2) subdistrict of Port Norfolk area when the Port Norfolk Interim Planning Overlay District terminates and permanent zoning for the Port Norfolk Neighborhood District is adopted; and in order to create a new category of zoning districts, entitled neighborhood districts.

The Boston Redevelopment Authority hereby petitions to amend the text of the Boston Zoning Code, as established under Chapter 665 of the Acts of 1956, as amended, as follows:

1. By inserting in Section 3-1, Division of City into Districts, in the list of subdistricts, under paragraph (c) entitled "Industrial Districts," immediately above "W-2 Waterfront Industrial", the following:

W-1 Waterfront Service

2. By inserting after Section 3-1A, the following:

Section 3-1B Neighborhood District. A district or group of districts or a subdistrict or group of subdistricts or parts thereof (hereafter referred to as an area) may be established as a neighborhood district after a planning study of the area has been conducted. The regulations

governing any such neighborhood district are set forth in an article of this code pertaining to such district. The boundaries of any such neighborhood district are indicated on the "Zoning Districts City of Boston" maps, as amended, or supplements thereto.

3. By inserting in Section 8-7, Use Regulations, in the first sentence after the phrase "...except in conformity with the following table..." the following:

or as otherwise provided in regulations pertaining to a special overlay district or a neighborhood district:

TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

The Boston Redevelopment Authority petitions to amend the text of the Boston Zoning Code, as established under Chapter 665 of the Acts of 1956, as amended, as follows:

By inserting, after Article 34, the following article:

ARTICLE 35

PORT NORFOLK NEIGHBORHOOD DISTRICT

SECTION 35-1. Statement of Purpose. The purposes of this article are to: prevent further degradation of water quality in Dorchester Bay, Pine Neck Creek, and the Neponset River; promote public access to the waterfront; facilitate the renewed use and vitality to the Boston Waterfront to benefit the greatest number of people; provide the opportunity for water-based recreation and increased open space; promote land uses that are compatible with the existing adjacent residential uses; promote the rehabilitation or removal of existing piers and waterfront structures; prevent the proliferation of potentially hazardous, dangerous, noxious, and environmentally degrading uses; minimize the impact of heavy truck traffic on residential streets; promote the development of water-dependent and water-related uses on the waterfront; protect and enhance public amenities by maintaining and creating views of the water, and by protecting the environmental features, including the shoreline, through City and Commonwealth coordination of project review; ensure that future nonresidential developments are compatible in scale, use, and character with residential areas to which they are adjacent; ensure that off-street parking, loading, and service areas are adequate and properly screened from residential areas; promote the stability of light manufacturing

uses; preserve for water-dependent commercial use, adequate piers and docks; and land necessary for the repair, maintenance, and sale of commercial and private pleasure craft; provide storage and services for commercial craft and protect against the encroachment of uses that threaten the continued economic viability of these specialized uses in Boston; promote development that protects the public health and general welfare; and maintain a safe and healthy environment.

SECTION 35-2. Definitions. For the purposes of this article only, the following terms shall have the meanings indicated:

1. "Applicant" means any person or entity having a legal or equitable interest in a Proposed Project subject to any provision of this article, as set forth in Section 35-4, or the authorized agent of any such person or entity.
2. "Back-Office Use" means the use of a structure or land principally for clerical, data processing, or support staff functions, and related services and occupations.
3. "Boat Rental Establishment" means any use or establishment that involves the renting, hiring or instruction in use of any sailboat, rowboat, or other Vessel that does not require an operator's license by the United States Coast Guard.
4. "Port Norfolk Neighborhood District" means the area described in Section 35-3.

5. "Proposed Project" means the erection, extension, or substantial exterior demolition of any structure or part thereof, or the change of use of any structure or land, for which the Applicant is required to obtain a building or use permit.
6. "Public Boat Ramp" means any structure that provides public access to or egress from the water for Vessels.
7. "Recreational Marina" means any dock, pier, piling, mooring, or other facility in or adjacent to the water, to which are tied or attached any Private Pleasure Craft Vessel, including, but not limited to, any such facility associated with a yacht club or boat club.
8. "Residential Use" means any use in Section 8-7, Table A, Use Item Numbers 1 through 8A, inclusive, which is allowed in a Local Business (L-1) subdistrict.
9. "Seasonal Dry Storage" means the storage of Private Pleasure Craft Vessels on land for periodic use in the water during the active boating season, generally from April through October.
10. "Vessel" means any watercraft, including, but not limited to, a Commercial Vessel, Private Pleasure Craft, houseboat, sail boat, or seaplane.

11. "Vessel, Commercial" means any Vessel built, altered, or used for the principal purpose of engaging in water-related commercial activity, including, but not be limited to, charter boat, fishing boat, tow boat, cruise boat, or barge.
12. "Vessel, Private Pleasure Craft" means any Vessel that is privately owned or leased primarily for recreational purposes and that is at least sixteen (16) feet in length.
13. "Water-Dependent Commercial Use" means any service or commercial use that requires direct access to or location in coastal or inland waters.
14. "Waterfront Lot" means any lot within the Port Norfolk Neighborhood District located between the water and any of the following streets:
 - (a) Lawley Street
 - (b) Ericsson Street
 - (c) Walnut Street, except south of Water Street
 - (d) Taylor Street
15. "Waterfront Yard" means, with regard to any Waterfront Lot, the yard, or portion thereof, adjacent to and landward of the Water.

SECTION 35-3. Boundaries of the Port Norfolk Neighborhood District. The boundaries of the Port Norfolk Neighborhood District are as follows:

Starting from the intersection of the Boston-Quincy municipal boundary line and the centerline of the Neponset Bridge; thence westerly on the line of the

centerline of the Neponset Bridge to the point where such line intersects the centerline of the Southeast Expressway; thence northerly by the centerline of the Southeast Expressway to the intersection of the centerline of the Southeast Expressway and the centerline of Conley Street; thence northeasterly by a line drawn from the intersection of the centerline of Conley Street and the centerline of Southeast Expressway extending forty-five degrees to the Boston-Quincy municipal boundary line; thence southerly by the Boston-Quincy municipal boundary line to the point of beginning.

SECTION 35-4. Applicability. Any Proposed Project within the Port Norfolk Neighborhood District is subject to the provisions of this article and any other applicable provisions of this code. However, any Proposed Project for which the Board of Appeal has granted an interim planning permit, conditional use permit, or variance, prior to the first notice of hearing before the Zoning Commission for adoption of this article, is exempt from the provisions of this article; provided that such Proposed Project is constructed in strict conformity with any such permit or variance as so granted.

SECTION 35-5. Zoning Regulations in Effect; Conflict Provisions. The provisions of this article and all other applicable provisions of this code constitute the zoning regulations for the Port Norfolk Neighborhood District. This article supersedes Article 27A, Port Norfolk Interim Planning Overlay District. Where conflicts exist between the provisions of this article and the remainder of this code, the provisions of this article shall govern, except where this article specifically indicates otherwise.

SECTION 35-6. Residential (R-.5) Subdistricts. Any lot within an R-.5 subdistrict in the Port Norfolk Neighborhood District is subject to the provisions of this code applicable to R-.5 subdistricts.

SECTION 35-7. Local Business (L-.5) Subdistricts. Any lot within a Local Business (L-.5) subdistrict in the Port Norfolk Neighborhood District shall be subject to the provisions of this code applicable to L-.5 subdistricts.

SECTION 35-8. Restricted Manufacturing (M-1) Subdistricts. Any lot within an M-1 subdistrict in the Port Norfolk Neighborhood District is subject to the provisions of this code applicable to M-1 subdistricts, except as provided in this section.

1. Existing Nonconforming Buildings. Within an M-1 subdistrict, any building existing on the effective date of this article and not conforming to the dimensional regulations in Section 35-8(7) may be used for any lawful use and may be altered or enlarged, provided that any dimensional nonconformity is not increased and that any enlargement itself conforms to such dimensional regulations.
2. Allowed Uses. Within an M-1 subdistrict, each use listed in this subsection is allowed, provided that any such use satisfies the performance standards contained in Section 35-8(6).
 - a. Light manufacturing uses: the design, development, manufacture, compounding, packaging, processing, fabrication, altering, assembly, repairing, servicing, renting, or testing, in accordance with the performance standards provided in Section 35-8(6), of products, including, but not limited to, the following:
 - i. Electronic and communication products, including, but not limited to, computer equipment, sound equipment, and household appliances
 - ii. Electrical machinery, equipment, or supplies

- iii. Instruments for engineering, medical, dental, scientific, photographic, optical, or other similar professional use
 - iv. Metal and wood products
 - v. Office equipment or machinery
 - vi. Pharmaceutical products, cosmetics, or toiletries
 - vii. Textile products including, but not limited to, products from the following: canvas, burlap, cotton, hosiery, knitting, rope, and twine
 - viii. Ceramic products, including pottery and glazed tile
 - ix. Photographic supplies, including processing solutions
 - x. Printing, engraving, or related reproduction supplies
 - xi. Any other product, subject to the performance standards provided in Section 35-8(6).
- b. Scientific Research and Development Uses: laboratories and facilities for theoretical, basic, and applied research, product development and testing, prototype fabrication, or production of experimental products, in accordance with performance standards provided in Section 35-8(6)
 - c. Printing, engraving, or related reproduction processes
 - d. Publishing or distribution of books, newspapers, or other printed material
 - e. Machine shop
 - f. Wholesale business or distribution
 - g. Art Use
 - h. Artists' Mixed-Use
 - i. Back-Office Use, subject to the provisions of Section 35-8(8)
 - j. Trade school, teaching facility, or learning center supporting and reasonably related to a light manufacturing or scientific research and development use
 - k. Day care center
 - l. Fire or police station
 - m. Place of worship

- n. Barber, beauty, shoe repair, laundry, drycleaning, tailor shop, or similar service establishment of less than one thousand (1,000) square feet
 - o. Eating place, without live entertainment, of less than one thousand (1,000) square feet
 - p. Bank of less than one thousand (1,000) square feet
 - q. Shop of upholsterer, carpenter, electrician, or plumber
 - r. Public park or open space
 - s. Public service pumping station, substation, telephone exchange, or similar use
 - t. Ancillary and Accessory Uses, subject to the provisions of Section 35-8(3), including, but not limited to, the following:
 - i. Warehousing or distribution, provided it is clearly incidental and subordinate to a main use
 - ii. Office use, provided it is clearly incidental and subordinate to a main use
 - iii. Clinic
 - iv. Cafeteria
 - v. Library or museum
 - vi. Garage or parking space for occupants, employees, customers, students, or visitors
 - vii. Recreational or health facility
 - viii. Keeping of laboratory animals incidental to a lawful use
 - ix. Storage of flammable liquids or gases incidental to a lawful use
3. Limitations on Accessory Uses. Within an M-1 subdistrict, the aggregate gross floor area of accessory and ancillary uses, exclusive of off-street parking, on a lot or lots shall not exceed forty percent (40%) of the gross floor area of the main buildings on the lot on which the main use is located, and the gross floor area of any single such accessory or ancillary use shall not exceed twenty-five percent (25%) of the gross

floor area of such main buildings on such lot. In addition, no such accessory use shall occupy more than twenty-five percent (25%) of the rear yard required by this code or of the unbuilt lot area, nor shall any such accessory use occupy any part of a front or side yard required by this code.

4. Conditional Uses. Within an M-1 subdistrict, each use listed in this section is required to obtain a conditional use permit in accordance with the provisions of Article 6 of this code. In addition, such use is required to meet the performance standards contained in Section 35-8(6).
 - a. Parking lot or garage
 - b. Repair garage, gasoline service station, or car wash
 - c. Eating place, without entertainment, of more than one thousand (1,000) square feet
 - d. Nonaccessory library or museum
 - e. Adult education or community center
 - f. Retail store primarily serving local retail business needs; provided that a store serving the general retail business needs of a major part of the city is forbidden and that an auto dealership, department store, or supermarket is forbidden
 - g. Post office
 - h. Bank of one thousand (1,000) or more square feet or drive-in bank
 - i. Barber, beauty, shoe repair, laundry, drycleaning, tailor shop, or similar service establishment of more than one thousand (1,000) square feet
 - j. Rug cleaning plant
 - k. Radio or television studio
5. Forbidden Uses. Any use not allowed by Section 35-8(2) or permitted conditionally by Section 35-8(4) is forbidden in an M-1 subdistrict. In

addition, any use listed in Section 35-8(2) or 35-8(4), which does not meet the performance standards in Section 35-8(6) is forbidden. Notwithstanding any other provision of this section, any of the following uses is categorically forbidden within an M-1 subdistrict:

- a. Batching of concrete, including handling and/or storage of cement, lime, sand, stone or other aggregates
- b. Curing, dyeing, washing, finishing, tanning, or bulk processing of fur, leather, or other animal by-products
- c. Disposal, handling, or storage of radioactive waste, except to remove from the lot waste generated by a lawful use
- d. Fossil fuel or nuclear power plant
- e. Incineration or reduction of garbage, offal, or dead animals
- f. Manufacture of asphalt or asphalt products, charcoal, fuel briquettes, or lampblack
- g. Manufacture of acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black or bone black, cleaning or polishing preparations, creosote, disinfectants, exterminating agents, fungicides, hydrogen or oxygen, industrial alcohol, insecticides, potash, plastic materials or synthetic rosins, or hydrochloric, picric, or sulphuric acids or derivatives
- h. Manufacturing of chemical warfare compounds
- i. Manufacture of the following:
 - i. Coal, coke, or tar products, including gas
 - ii. Fertilizers
 - iii. Gases in amounts exceeding two thousand (2,000) cubic feet a day
 - iv. Gelatin, glue, or size
 - v. Gypsum
 - vi. Linoleum or oil cloth
 - vii. Matches
 - viii. Paint, turpentine, or varnish
 - ix. Plastic (raw)
 - x. Rubber (natural or synthetic) including, but not limited to, tires, tubes, or similar products
 - xi. Soaps or detergents, including fat rendering
- j. Office as a main use, except as provided for in Section 35-8(8)
- k. Reduction, refining, or smelting of metal or metal ores

- l. Refining of petroleum or petroleum products
 - m. Removal of gravel, loam, sand, or stone, except for reuse on the same lot or incident to the erection of a building on such lot
 - n. Sewage disposal plant
 - o. Solvent extracting
 - p. Storage of gases in amounts exceeding ten thousand (10,000) cubic feet
- 6. Performance Standards for All Uses. Within an M-1 subdistrict, each use shall comply with the provisions of this section.
 - a. None of the following effects is allowed:
 - i. any emission that endangers human health, or that causes damage to vegetation or property;
 - ii. any emission of radioactivity that exceeds any applicable state or federal regulations;
 - iii. any electrical disturbance which interferes unduly with the normal operation of equipment or instruments or which is reasonably likely to cause injury to any person located outside the lot; or
 - iv. any surface water or groundwater contamination that exceeds any applicable state or federal regulations;
 - b. Any noise, air pollutant, vibration, dust, odor, change in temperature, or direct or sky-reflected glare detectable by the human senses without the aid of instruments shall not be allowed to emanate more than fifty (50) feet beyond the boundaries of the lot upon which a use is located, or to emanate more than twenty (20) feet beyond the boundaries of the lot upon which a use is located if the lot abuts or is across the street from a residential (S, R, or H) district.

7. Dimensional Requirements. Within an M-1 subdistrict, the following dimensional requirements shall apply to all buildings, structures, and uses, except as otherwise indicated in this section.
 - a. Minimum Lot Size: none.
 - b. Minimum Lot Width: none.
 - c. Maximum Floor Area Ratio: 1.0.
 - d. Maximum Height Limit: 35 feet.
 - e. Minimum Front Yard: 15 feet, or the yard depth established in accordance with the provisions of Section 18-2, whichever is greater.
 - f. Minimum Rear Yard: 20 feet.
 - g. Minimum Side Yard: 5 feet, except that any lot with a side lot line abutting a residential (S, R, or H) district shall have a side yard equal to that of such residential (S, R, or H) district.
 - h. Maximum Percentage of Rear Yard which may be Occupied by Accessory Buildings: 25%.
8. Provision of Back-Office Use. Within an M-1 subdistrict, Back-Office Use is allowed in an amount not to exceed forty percent (40%) of the gross floor area allowed within such lot or contiguous lots, regardless of whether such Back-Office Use is ancillary or accessory to any other use allowed in this Section.

SECTION 35-9. Waterfront Service (W-1) Subdistrict. Any lot within a Waterfront Service (W-1) subdistrict in the Port Norfolk Neighborhood District is subject to the provisions of this code applicable to W-1 subdistricts, except as provided in this section.

1. Allowed Uses. Within a W-1 subdistrict, the following Water-Dependent Commercial Uses are allowed:
 - a. Dock, slip, pier, wharf, anchorage, or moorage for Commercial Vessel and Private Pleasure Craft Vessel awaiting servicing, provisioning, off-loading, or delivery

- b. Use, hire, or charter of any Commercial Vessel, except Vessels rented or hired by a Boat Rental Establishment
- c. Boat and marine motor, service and repair, sales and display, boat yard, boat broker, or marine insurance broker
- d. Non-Seasonal Dry Storage of Vessels
- e. Sale of marine fuel, marine hardware, boating or diving supplies and equipment
- f. Navigation aids and facilities
- g. Wet or dry storage or berthing of any Commercial Vessel, including, but not limited to, fishing vessel, tow boat, or cruise boat
- h. Installation, repair, or servicing of boating accessories, marine equipment, marine instruments or motors
- i. Marine shop, woodworking shop, electrical shop, or similar use for the repair and maintenance of Vessels up to one hundred fifty (150) feet in length
- j. Hoist, lift, ramp, davit, or other structure to haul or move a Commercial Vessel or Private Pleasure Craft Vessel not exceeding one hundred fifty (150) feet in length from water to land or vice versa and not used by the public generally
- k. Groin, breakwater, wave deflector, or other structure that protects an area used for dockage or moorage
- l. Aquaculture facility
- m. Water-related facility necessary for public health, safety, management or law enforcement on waterways
- n. Flood, water level, or tidal control facility
- o. Cable, conduit, pipeline crossing, stormwater outlet, or other similar utility structure
- p. Marine research and training institute; provided that water access is required for the institute's program or its operations
- q. Open space, pedestrian walkway, water-dependent recreational facility, or other public outdoor recreation facility
- r. Terminal, parking area, or other facility necessary for waterborne passenger transportation; provided that the number of vehicular parking spaces does not exceed one fifty (50) spaces
- s. Any use accessory or ancillary to an allowed use

- t. Recreational Marina, rack, dry stack or landside facility for Seasonal Dry Storage of Private Pleasure Craft Vessels; provided that the number of slips and spaces does not exceed one (1) for every four thousand (4,000) square feet of lot area. For the purposes of this subparagraph, any slip or space existing on the effective date of this article shall not be included in the calculation of the number of slips and spaces under this subparagraph
2. Conditional Uses. The following uses are conditional within a W-1 sub-district. They are supportive of the purposes of this article; however, they could have negative traffic, environmental, or other land use impacts on the Port Norfolk Neighborhood District that must be evaluated and mitigated.
- a. Private club
 - b. Recreational Marina, or rack, dry stack or landside facility for Seasonal Dry Storage of Private Pleasure Craft Vessels if the number of slips and spaces exceeds one (1) for every four thousand (4,000) square feet of lot area. For the purposes of this subparagraph, any slip or space existing on the effective date of this article shall not be included in the calculation of the number of slips and spaces under this subparagraph
 - c. Boat Rental Establishment
 - d. Public Boat Ramp
 - e. Any use allowed in a Local Business District (L-1) that is not listed in Section 35-9(1), provided that:
 - i. no more than twenty-five percent (25%) of the gross floor area allowed of all structures constructed on the lot subsequent to the effective date of this article shall be devoted to such use;
 - ii. lot coverage by any such use does not exceed thirty-five percent (35%) of the total lot area; and
 - iii. adequate distance, screening, and buffering is provided between uses that are potentially incompatible, in addition to any condition that the Board of Appeal may require in accordance with Section 6-4.
 - f. Terminal, parking area, or other facility necessary for waterborne passenger transportation, if the number of vehicular parking spaces is greater than fifty (50)
 - g. Character ships or historical vessels
 - h. Enclosed storage or wholesaling of fish and seafoods

3. **Forbidden Uses.** Any use not allowed pursuant to subsection 1 or permitted conditionally pursuant to subsection 2 above is forbidden.
4. **Dimensional Requirements.** Within a W-1 subdistrict, the following dimensional requirements shall apply to all buildings, structures, and uses, except as otherwise provided in this section or in Section 35-11.
 - a. **Minimum Lot Size:** none.
 - b. **Minimum Lot Width:** none.
 - c. **Maximum Floor Area Ratio:** 1.0.
 - d. **Maximum Height Limit:** 35 feet.
 - e. **Minimum Front Yard:** none.
 - f. **Minimum Rear Yard:** 12 feet.
 - g. **Minimum Side Yard:** none.
 - h. **Maximum Percentage of Rear Yard which may be Occupied by Accessory Buildings:** none.
 - i. Notwithstanding any other provisions of this subsection, any use contained in Use Item Numbers 1 through 8A, inclusive, Section 8-7, Table A, shall conform to the lot area, usable open space, and yard requirements for the nearest S, R, or H district, except the minimum rear yard depth shall be twenty-five (25) feet.

SECTION 35-10. Open Space (OS) Districts. Any lot within an Open Space (OS) district in the Port Norfolk Neighborhood District is subject to the provisions of this code applicable to OS districts, except in addition to other uses that are conditional in an OS district, the following uses shall be con-

ditional in an OS district, subject to Chapter 665, Section 2, of the Acts of 1965, as amended: (a) parking lot, (b) Public Boat Ramp, and (c) Recreational Marina.

SECTION 35-11. Waterfront Lots. The provisions of this section shall apply to any Waterfront Lot within the Port Norfolk Neighborhood District.

1. Waterfront Yard. Except where this code requires a greater rear or side yard, the minimum Waterfront Yard of any Waterfront Lot shall average at least twenty-five (25) feet in depth and shall be at least twenty (20) feet in depth at all points. The depth of the Waterfront Yard shall be measured perpendicular to the existing mean high tide line; provided, however, in the case of irregularities in such line, such projections, curves or chords may be used as are necessary to achieve a reasonably regular landward boundary for the Waterfront Yard in relation to the general pattern of Waterfront Yards on adjoining lots.
2. Buildings and Structures. No building or structure shall be located in any Waterfront Yard; provided, however, this prohibition shall not apply to any building or structure which, for practical or operational reasons, must be located at or on the Water or which provides access to or amenities for the Water. Buildings and structures which may be located in a Waterfront Yard are limited to drydocks, enclosed or covered wet dock sheds, piers, pilings, boat ramps, bulkheads, davits, hoists, mast markers, walkways, landscape furniture, and similar structures.

3. Setback of Off-Street Parking and Storage Areas. Off-street parking and storage areas shall be set back from the mean high tide line a minimum of twenty-five (25) feet.
4. Signs. Any sign on a Waterfront Lot is subject to the provisions of Article 11.
5. Enhanced Floor Area Ratio. In order to promote the purposes of this article, including, but not limited to, enhancement of public open space and public visual access to the waterfront and protection of environmental features in the district, an applicant may request the Board of Appeal to grant any Proposed Project on a Waterfront Lot for an enhancement of the allowed floor area ratio (FAR) for such Lot, in an amount not to exceed twenty percent (20%) of the allowed FAR. The Board of Appeal may grant such enhanced FAR only if it finds that:
(a) any negative effects of increased density or intensity attributable to the enhanced FAR of the Proposed Project, including, but not limited to, negative effects on public visual access to the water, public open space, or environmental features in the district, are mitigated to a reasonable extent; and (b) the public benefits of such Proposed Project outweigh any burdens imposed. The procedure for granting such enhanced FAR shall be in accordance with the provisions of Article 6.
6. Determination of Proper Public Purpose for Proposed Projects subject to Chapter 91 Licensing Requirements. If a Proposed Project is subject to the licensing requirements of Chapter 91 of the General Laws, the Boston Redevelopment Authority, in making its recommendation to the

Department of Environmental Quality Engineering of the Commonwealth pursuant to Section 18 of Chapter 91, shall determine whether or not such Proposed Project serves a proper public purpose and would not be detrimental to the public's rights in tidal lands based on the extent to which the public's rights in tidal lands are reasonably and appropriately preserved. Without limiting the generality of the foregoing, the Boston Redevelopment Authority shall base such determination on the extent to which a Proposed Project preserves and enhances, among other things, the public's:

- a. visual access to the water; and
- b. physical access to and along the water, if such Proposed Project is for a non-water dependent use on Commonwealth tidelands, as defined in Chapter 91; and, if a Proposed Project is for a water dependent use on Commonwealth tidelands, the Boston Redevelopment Authority may also base its determination on the extent to which such Proposed Project reasonably and appropriately preserves and enhances, among other things, the public's physical access to and along the water.

7. Development Review for Waterfront Lots. Any Proposed Project on a Waterfront Lot within the Port Norfolk Neighborhood District to:
- (a) erect a structure of more than ten thousand (10,000) square feet of gross floor area; (b) enlarge a structure by more than ten thousand (10,000) square feet of gross floor area; or (c) change the use or occupancy of more than ten thousand (10,000) square feet of gross floor area within an existing structure, shall be subject to the provisions of this section.

- a. **Requirements.** An Applicant for any Proposed Project subject to the provisions of this section shall submit to the Boston Redevelopment Authority a plan for such Proposed Project, which plan shall show the location of the development parcel, all existing and proposed buildings, structures, parking spaces, loading areas, exterior lighting facilities, service areas and all other open uses, all facilities for sewage, refuse, and other waste disposal and for surface water drainage, all landscaped features, means of ingress and egress, and any other features which are reasonably necessary to allow the Boston Redevelopment Authority to determine whether the Proposed Project complies with the provisions of this section. Upon receipt of the plan, the Boston Redevelopment Authority shall make copies of the plan available to the public.
- b. **Standards for Approval.** Based on public comments and the Boston Redevelopment Authority's review, the Boston Redevelopment Authority shall issue a written adequacy determination within forty-five (45) days from the receipt of the plan. In considering the plan, the Boston Redevelopment Authority shall determine whether the Proposed Project assures to a degree consistent with a reasonable use of the site: (a) protection of adjoining premises against detrimental or offensive uses on the site; (b) convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent streets, property, or improvements; (c) adequacy of the methods of disposal for sewage, refuse, and other wastes resulting from the uses proposed for the site, and the methods of drainage for surface water; (d) adequacy of space for

the off-street loading and unloading of vehicles, goods, products, materials, and equipment incidental to the normal operation of the establishment; (e) the effect of the Proposed Project on the Water, especially with regard to view corridors and environmental resources and amenities; (f) orientation and design of principal buildings and related site improvements shall be such as to protect and create views of the Water from principal public view points and streets. Special environmental resources such as wetlands and marshes shall be protected and shoreline improvements shall be such as to protect waterfront properties while protecting natural habitats. In issuing an adequacy determination the Boston Redevelopment Authority shall approve the plan, conditionally approve the plan, or disapprove the plan. If the plan is disapproved, specific reasons setting forth the areas in which the plan is at variance with the requirements of this section shall be provided in the adequacy determination. An adequacy determination which conditionally approves or which disapproves the plan may require additional information, studies, and mitigation measures as are reasonably necessary to satisfy the requirements of this section.

- c. **Enforcement.** The Building Commissioner shall not issue a permit, pursuant to Section 4-3, for a Proposed Project subject to the provisions of this section, unless the Director of the Boston Redevelopment Authority has issued a certification of compliance in connection with the permit application for the Proposed Project indicating that it has satisfied the requirements of this section.

SECTION 35-12. Off-Street Parking. Off-street parking shall be provided as follows:

1. M-1 and W-1 Subdistricts. Within an M-1 or W-1 subdistrict, any use contained in Section 35-8(2), a through h, inclusive, and 35-9(1) shall provide one (1) parking space per one thousand (1,000) square feet of gross floor area.
2. Recreational Marina. Off-street parking for a Recreational Marina shall be provided as follows:

One (1) parking space for each slip or docking space up to ten (10) slips or docking spaces.

One-half (.5) parking space for every slip or docking space over ten (10 slips or docking spaces).
3. Commercial Vessels. Off-street parking for slips and docking space for Commercial Vessels shall be provided as follows:
 - a. For each slip or docking space for a Commercial Vessel which neither takes on nor discharges passengers at such slip or dockage space, other than crew members, two (2) parking spaces shall be provided.
 - b. For each slip or docking space for Commercial Vessel which takes on or discharges passengers for transit, sightseeing, charters or excursions, exhibits, special events, dining, dancing, or other activity, parking spaces shall be provided in accordance with the off-street parking requirements contained in Article 23 for the main use item number which defines the activity or activities that occur in the use of that Commercial Vessel.

4. All other uses shall provide parking as required by the provisions of Article 23. Where a use listed in this article is not included in any use item number contained in Article 23, off-street parking facilities shall be provided in accordance with the requirements for the use item number listed in Article 23 which is most similar to such use.
5. All off-street parking areas shall be located, designed, and maintained in accordance with Sections 23-8, 23-9, 23-10, and 35-14. In accordance with provisions of Article 6, any Applicant may make application to the Board of Appeal to decrease the number of off-street parking spaces by up to fifty percent (50%) of the required number; provided that (a) the Applicant reserves on site an area sufficient to accommodate the unsatisfied requirement pursuant to subsections 1 and 2 of this section for the possible future expansion or peak seasonal usage of said off-street parking spaces; and (b) any permit granted pursuant to this subsection shall be for a period not to exceed five (5) years, and shall be renewable in accordance with the procedures of Article 6. The Applicant also shall provide for said area an environmentally suitable, permanent ground cover of pervious material. Such area shall not be used or built upon and shall be maintained as open space. However, such area may be developed for parking uses in the future in accordance with the provisions of this section.
6. All parking shall be screened from the water, streets, and adjoining residential districts in accordance with the provisions of Section 35-14 (1) through (8) inclusive.

SECTION 35-13. Off-Street Loading. Off-street loading facilities shall be provided as required under Article 24. Where a use listed in this article is not included in any use item number contained in Article 24, off-street loading facilities shall be provided in accordance with the requirements for the use item number listed in Article 24 which is most similar to such use. All loading facilities shall be screened from the water, streets, and adjoining residential districts in accordance with the provisions of Section 35-14 (1) through (8) inclusive.

SECTION 35-14. Screening and Buffering in M-1 and W-1 Subdistricts.

Within an M-1 or W-1 subdistrict, the following screening and buffering requirements shall apply.

1. Where any use, except a use in Section 8-7, Table A, Use Item Numbers 1 through 8A, inclusive, abuts a residential district, such use shall provide and maintain along the property line(s) abutting such residential district a screen that consists of one of the following combinations of plant materials and fencing:
 - a. A strip at least five (5) feet wide, densely planted with shrubs and trees, and a heavy-duty vinyl-clad chain-link fence at least six (6) feet high, but not more than eight (8) feet above finished grade; or
 - b. A strip at least five (5) feet wide, planted with trees, and a stockade or board-type wooden fence, without plywood sheeting, constructed to be at least seventy-five percent (75%) opaque and at least six (6) feet high, but not more than eight (8) feet above finished grade.

2. Off-street parking facilities and lots, off-street loading areas, and accessory storage areas shall be screened from view from the water and streets, except rear alleys providing access only. Such screening shall consist of trees and shrubs densely planted in a strip at least five (5) feet wide on the inside edge of a steel-picket or stockade or board-type wooden fence, provided that such fencing is not more than fifty percent (50%) opaque and is no less than four (4) feet and no more than six (6) feet high.
3. Shrubs required by this section may be of evergreen or deciduous or a mixture of deciduous and evergreen, medium to large size, densely planted to provide a mature appearance within three (3) years. Trees required by this section may be deciduous or evergreen, or some combination thereof. Deciduous trees shall be minimum three (3)-inch caliper at the time of planting and planted twenty to twenty-five (20-25) feet on center. Evergreen trees shall be minimum twelve (12) feet high and planted twelve to fifteen (12-15) feet on center. Between four and six (4-6) inches of pine-bark mulch shall be placed within the planting strip at the time of planting and replenished as necessary.
4. Landscaping required by this section shall be maintained in a healthy growing condition, free of refuse and debris. All plant materials and fencing shall be arranged and maintained so as not to obscure the vision of traffic. There shall be no parking of vehicles in areas used for screening and buffering.

5. Disposal areas, dumpsters, and ground-mounted mechanical equipment shall be screened from view from public rights-of-way other than rear alleys providing access only. Disposal areas and dumpsters shall be screened with a six (6) feet high opaque wall or fence. Ground-mounted mechanical equipment shall be screened with an opaque wall or fence.
6. Roof-mounted mechanical equipment shall be painted to blend with adjacent or nearby building materials or shall be screened by wood, brick, or similar material.
7. Outside storage of any materials, supplies, or products is not permitted within any landscaped area required in this section.
8. The foregoing provisions of this section may be modified to create and maintain views to the water from public view points and streets for any Proposed Project on a Waterfront Lot that is subject to the provisions of Section 35-11(7), Development Review for Waterfront Lots.

SECTION 35-15. Regulations. The Boston Redevelopment Authority may promulgate regulations to administer this article.

SECTION 35-16. Severability. The provisions of this article are severable, and if any such provision or provisions shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this article.

MEMORANDUM

JUNE 9, 1988

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: LINDA S. BOURQUE, ASSISTANT DIRECTOR FOR
NEIGHBORHOOD PLANNING AND ZONING
CYNTHIA WALL, SENIOR PLANNER
EDWARD LYNCH, SENIOR PLANNER

SUBJECT: REQUEST AUTHORIZATION TO PETITION THE ZONING COMMISSION
TO ADOPT FINAL ZONING IN THE PORT NORFOLK INTERIM PLANNING
OVERLAY DISTRICT.

EXECUTIVE
SUMMARY:

Permanent zoning for the Port Norfolk Interim Planning Overlay District is proposed as a major product of the comprehensive neighborhood planning study. A single new zoning article, the Port Norfolk Neighborhood District provides land use and development controls for the entire Study Area and recommends waterfront service zoning along the northern waterfront of the neighborhood, open space zoning for the MDC properties, light manufacturing zoning for existing manufacturing areas and the waterfront area between the MBTA and Neponset Bridges, and an extension of the residential zoning district to the new housing development and a small portion of a vacant manufacturing site adjacent to the residential area.

Port Norfolk became the first neighborhood in Boston to be designated an Interim Planning Overlay District in September, 1985. The Planning and Zoning Advisory Committee, comprised of community residents and business people, was appointed in September, 1986. Since that time, a comprehensive neighborhood planning study has been completed. The results of the study include recommendations on land use, transportation, open space, the environment, housing and urban design. These recommendations are summarized in the Port Norfolk Neighborhood Plan Executive Summary.

The Neighborhood Plan sets forth the rationale and purpose for the revised, permanent zoning. This zoning addresses the original concerns of the community relating to waterfront uses and access, traffic, and preservation of the residential character of the neighborhood.

Port Norfolk is a small waterfront community with a residential core of approximately two hundred households, surrounded by manufacturing and commercial uses and a recently developed seventy-three-unit condominium complex. In developing final zoning recommendations, through the Interim Planning Overlay District process, the community and the BRA formulated the following major goals: to enhance and protect the existing residential community; to promote commercial and manufacturing uses compatible with the community and the physical environment; to promote commercial uses that respond to the waterfront location of the community; to promote Harborpark goals and public access to the waterfront; to promote uses and densities which do not generate excessive traffic or cause congestion in this peninsula, where access is restricted by the geography.

The permanent zoning is incorporated into a single article, the Port Norfolk Neighborhood District. It includes the following provisions:

1. A new Waterfront Service subdistrict (W-1) that promotes water-dependent service and commercial uses, such as facilities for repairing and docking commercial or pleasure boats, the installation of boat parts and accessories, the sale of marine fuel and boating supplies.
 - o The allowed FAR of the W-1 district is 1.0, with a height limit of 35 feet
 - o The district Conditionally permits residential and other non-water-dependent uses, provided that these uses do not exceed 25 percent of a site's allowed FAR and 35 percent of the total lot area
 - o This district applies to the northern part of Port Norfolk
2. The Open Space district adopted by the Zoning Commission in December, 1987, is mapped on the MDC park site located on the former Schaffer Paper and Power's Marina sites and on Tenean Beach.
3. The existing Residential (R-.5) district is extended to include the new Estuary Condominium Development, and a small portion of an existing manufacturing site (M-1) north of the R-.5 district.
4. Other than the above change from M-1 to R-.5, the manufacturing areas are retained, and the uses and environmental performance standards refined to reflect the proposed new light manufacturing district, which promotes nonnoxious, more labor-intensive manufacturing uses compatible with the nearby residential areas.

5. The existing Waterfront Industrial (W-2) zoning between the MBTA and Neponset Avenue rights-of-way is rezoned to M-1, with the proposed new light manufacturing district land use and development controls

In addition to the proposed rezoning of specific areas in the district, the Port Norfolk District zoning provides parking, loading, access, development review and other requirements, particularly for waterfront lots. A floor area bonus of up to 20% is provided for waterfront lots in all zoning districts, if the development provides public benefits that will enhance the district.

Future land use changes were first conceptualized in February, 1987, and formed the basis for the revised zoning. Since that time, additional transportation and economic analyses have been completed and refinements have been made. The draft zoning amendments have been discussed and revised at over two dozen PZAC and Harborpark Advisory Committee meetings, as well as at meetings with the business owners and Port Norfolk Yacht Club representatives. The latest community-wide and PZAC meetings were held May 4 and May 11, 1988 where the zoning recommendations, with minor modifications, were endorsed. The Harborpark Advisory Committee also endorsed the proposals at their meeting of May 25, 1988.

Staff believes that the objectives and requirements of the Interim Planning Overlay District have been met, and recommends that the Authority authorize the Director to petition the Zoning Commission to enact these amendments, according to the following vote:

VOTED: That the Boston Redevelopment Authority hereby authorizes the Director to petition the Zoning Commission to adopt text and map amendments for final zoning in Port Norfolk in substantial accord with the petition submitted at its meeting of June 9, 1988.

PORT NORFOLK INTERIM PLANNING OVERLAY DISTRICT

FACT SHEET

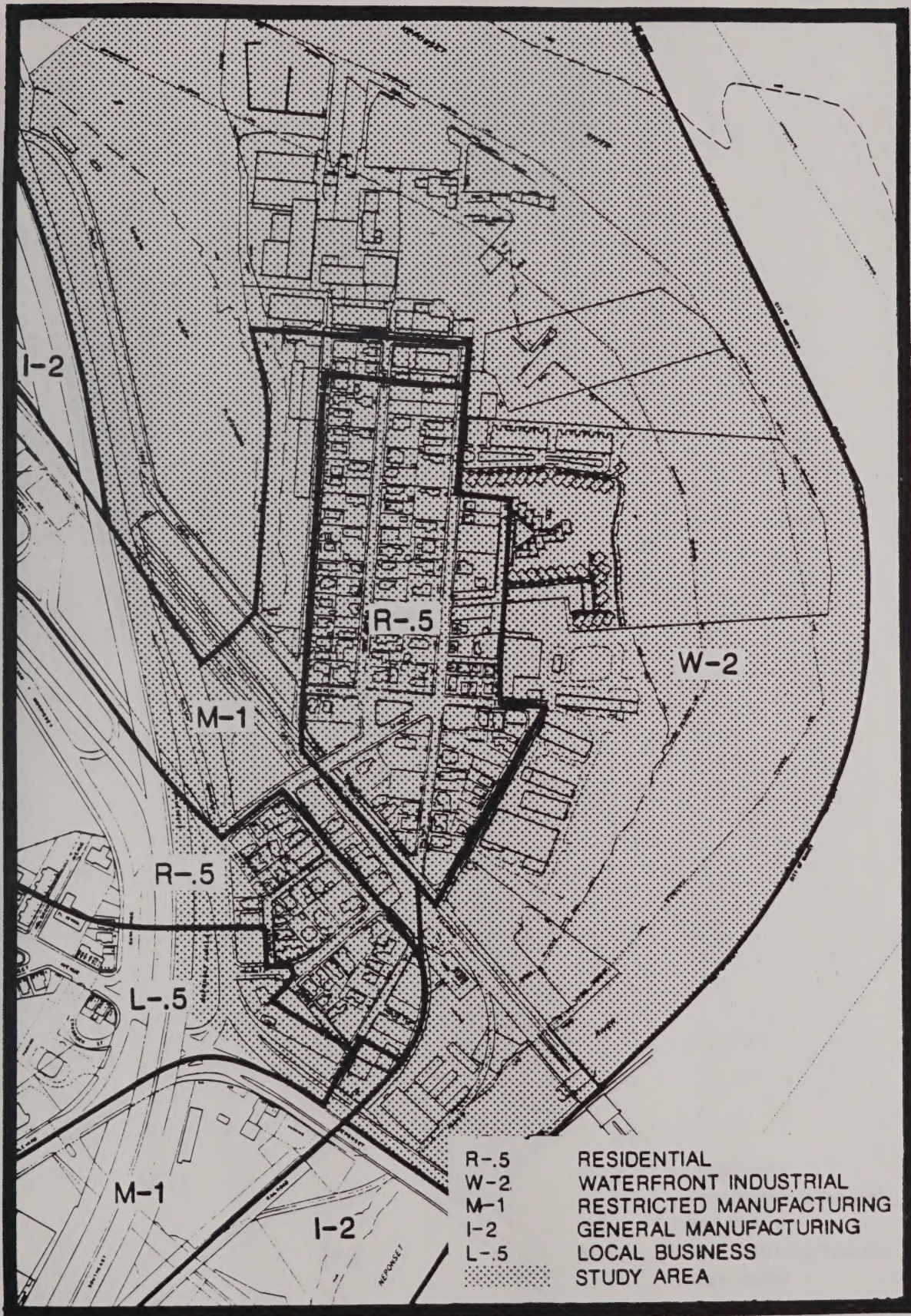
GOALS OF THE PORT NORFOLK NEIGHBORHOOD DISTRICT

- o To maintain the residential character of Port Norfolk by promoting low-scale compatible development
- o To better utilize waterfront land while recognizing the unique potential of such land for water-dependent uses
- o To promote commercial and manufacturing uses compatible with the area.
- o To promote the Harborpark goals and public access to the waterfront
- o To promote uses and densities which do not generate excessive traffic

REVISED ZONING PROPOSALS

- o A new zoning article establishing Port Norfolk as a Neighborhood District
 - Regulations reflect specific land use, infrastructure, and environmental conditions in the community
- o A new Waterfront Service subdistrict, W-1 replaces the Waterfront Industrial District along the northern waterfront of the neighborhood
 - Promotes water-dependent service and commercial uses, such as boat sales, repair, service, and storage
 - FAR of 1.0. Height limit of 35 feet
 - Conditionally permits residential and other now-water-dependent uses, up to 25 percent of the allowable FAR and 35 percent of the total lot area
- o Open Space (OS) district is mapped on MDC properties, including Tenean Beach and the former Shaffer Paper and Power's Marina sites
- o R-.5 district is extended east to the condominium development and north to Ericsson Street, in the former M-1 area
- o Other existing M-1 areas are retained. The zoning is modified to reflect the proposed new light manufacturing district
- o The existing W-2 area between the MBTA and Neponset Avenue rights-of-way is rezoned to M-1, with the proposed new light manufacturing district controls
- o Parking and loading controls and development review for all projects over 10,000 square feet are established
- o Enhanced FAR of up to 20 percent can be approved conditionally by the Board of Appeal on Waterfront Lots where the development provides public benefits

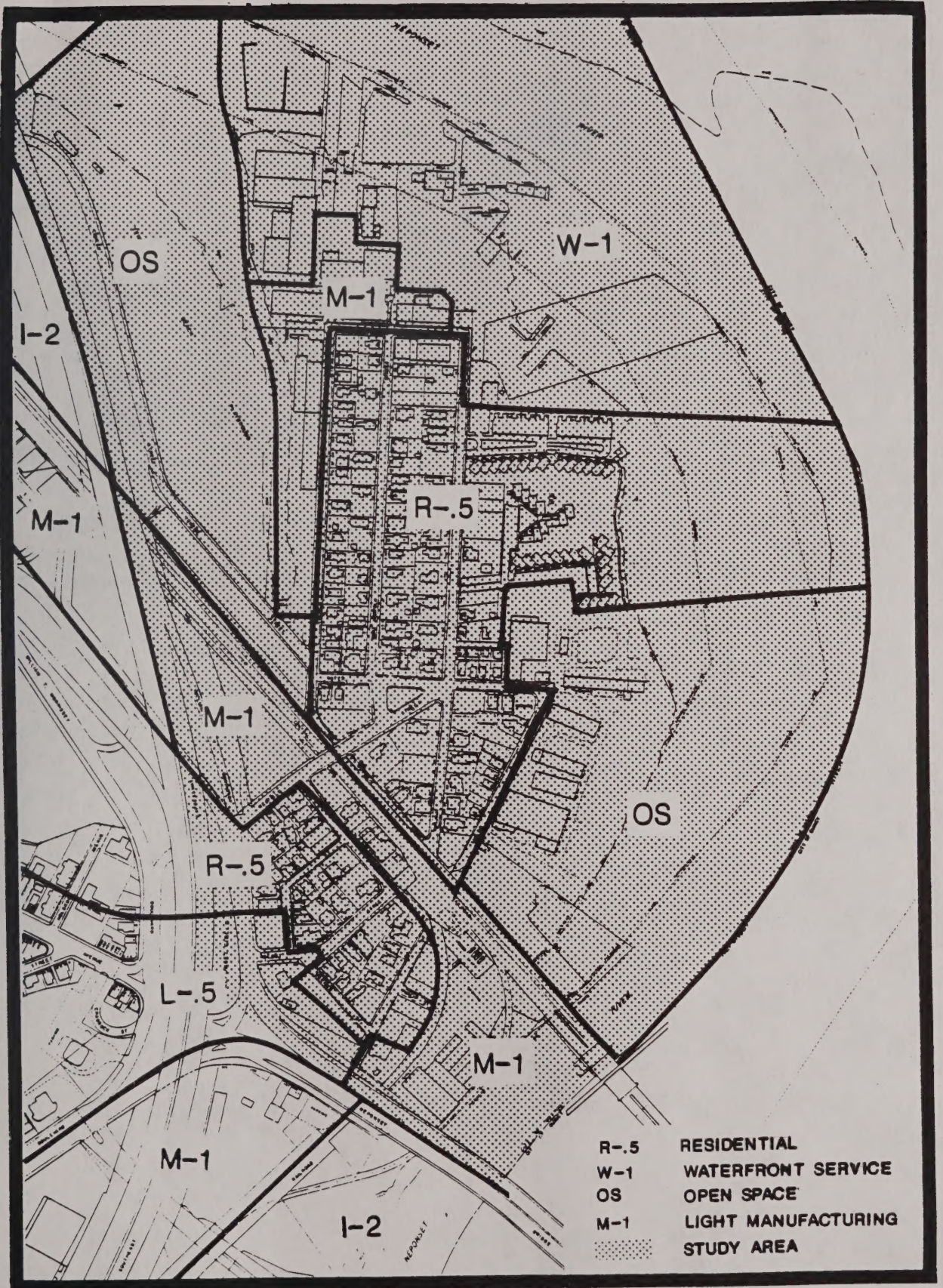
Existing Zoning



PORT NORFOLK NEIGHBORHOOD PLAN



Proposed Zoning



PORT NORFOLK NEIGHBORHOOD PLAN

